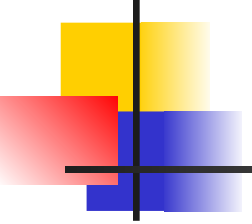


Justification and Approval Documents

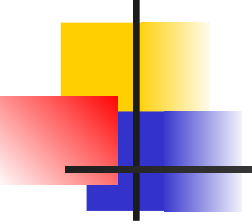
Acquisition & Logistics Excellence Workshop
10 Sept 2001

Dorene Morris, AMSTA-AQ-C
Nancy Dakin, AMSTA-AQ-C
Laura Jacobson, AMSTA-AQ-AMA



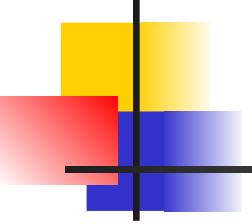
J&A Workshop Topics

- Market Research
- FAR 6.302-1 (Only one responsible source...)
- FAR 6.302-2 (Unusual and Compelling Urgency)
- Certifications and Signatures on J&As
- New AFARS Requirement
- Operation Noble Eagle/Enduring Freedom Requirements



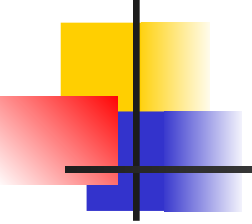
FAR Requirement for Market Research in J&As

- FAR 6.303-2(a)(8) requires a description of the market research conducted and the results, or a statement of the reason market research was not conducted.



Market Research

- Documentation of Market Research should be appropriate to the size and complexity of the acquisition.
- The extent of Market Research will depend on a variety of factors such as:
 - Urgency
 - Estimated dollar value
 - Complexity
 - Past experience



Examples of Market Research

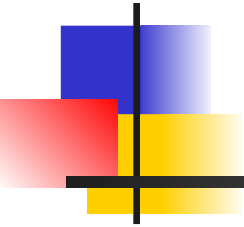
FAR Part 10 provides examples of
methods of conducting market research

Contacting individuals in Government and industry regarding market capabilities

Sample Language: “TARDEC’s Engineering and Logistics Business Area also conducts continuous surveillance of the commercial Crushing, Screening, and Washing equipment markets. They have conducted a review of available commercial literature, contacted industry and federal experts, and attended industry meetings and



Reviewing the results of recent market research for similar or identical requirements



Sample Language: “A market survey, in the field of composites...is a continuous effort at TARDEC. Several efforts, since the 1980’s have been made to develop composite military bridging equipment. All efforts did not succeed due to lack of a low cost, high quality fabrication processes, such as SCRIMP.”

Publishing formal requests for information in appropriate technical or business publications

- **A solicitation synopsis in the CBD is not Market Research**
- **A ‘sources sought’ synopsis prior to determining Acquisition Strategy and issuing the solicitation synopsis is market research**
- **Publication in the CASL is a type of Market Survey and should be mentioned in the I&A**



Querying Government data bases that provide information relevant to agency acquisitio



**Participating in
interactive, on-line
communication among
industry, acquisition
personnel and customers**



Obtaining source lists of similar items from other contracting activities or agencies, trade associations or other sour

Sample Language: “Our knowledge and assessment of the capabilities of potential sources are continuously updated as results of information gathered with various contacts, at meetings (including DoD, DARPA, Army, Navy and Air Force labs and industry), reading of technical reports, and attendance at various symposiums and workshops ”



Reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers or available on "



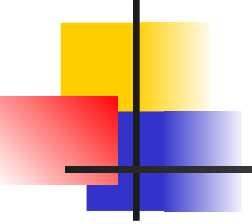
- **Example: Do a search on the Web by Commodity**
- **Sample Language: "A search, through the Internet, also revealed SCI to be the only fabricator who has produced a full size prototype military bridge."**

Conducting interchange meetings or holding presolicitation conferences to involve potential offerors early in the acquisition process.

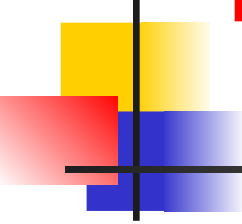
**Sample Language: “The above
sources also attended the XM1028
Industry Day held at TACOM-ARDEC,
Picatinny Arsenal NJ on 17 May.”**



FAR 6.302-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements

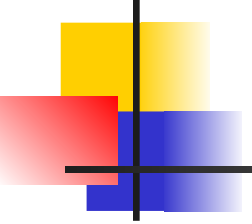


- Fully describe the current status of the TDP.
- Fully explain all efforts to develop a competitive package.
- Clearly demonstrate the approved contractor's unique qualifications.
- Describe the efforts to qualify additional suppliers.



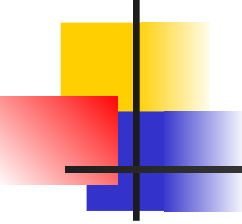
Fully describe the current status of the TDP

- Is the TDP fully defined? If not, why not?
- Does the Government own the Proprietary Rights to the data that would be required to produce a competitive TDP? If so, this must be stated using the term “proprietary rights”.
- Does the Government own the Patent Rights to the data that would be required to produce a competitive TDP? If so, this must be stated using the term “patent rights”.



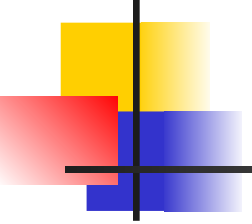
Fully explain all efforts to develop a competitive package

- What efforts has the Government taken to allow the package to become competitive? What limitations is the Government facing in achieving this objective?
- Provide justification as to why the item can't be reverse engineered, addressing associated risk, cost and time constraints.
- Address the overall cost impact of developing a competitive package. Address associated funding constraints.



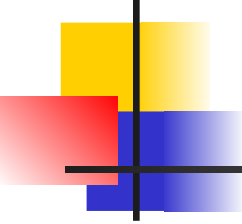
Fully explain all efforts to develop a competitive package (cont'd)

- Address the issue as to whether or not the additional cost to make the item a competitive procurement would be recovered through subsequent competition.
- Address the presence of unacceptable delays that would occur if efforts were conducted to make the procurement competitive. How would these delays impact the Government's mission?
- Address whether or not the quantity required is too small to warrant the expense of developing a competitive package or reverse engineering the item.



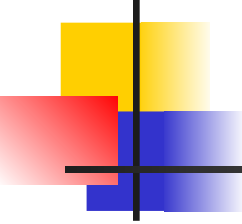
Clearly demonstrate the approved contractor's unique qualifications

- What can this contractor do that another couldn't? Why is this contractor's capability so unique?
- Why are the credentials of this approved source necessary? Mission impact? If the contractor has passed significant tests, establish why these tests are so critical.
- Address the impact that failure of this part could have on the Army's mission.
- Address the contractor's proven capabilities. Has the approved source demonstrated the ability to establish and maintain the processing required to produce this item?



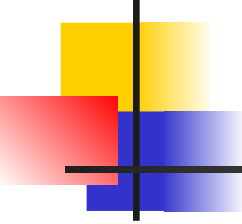
Describe the efforts to qualify additional suppliers

- Address any efforts taken to bring other contractors up to the level of capability of the approved source.
- Address funding constraints.
- Address delivery delays and associated impact.
- Are there any other known suppliers?
- Address the presence of a CBD synopsis.
Address whether or not there are any other sources known to date.



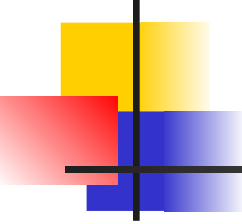
FAR 6.302-2, Unusual and Compelling Urgency

- The requiring office must include the following information in the J&A:
 - The date that the requirement was first known to exist and the circumstances leading to the urgency.
 - The date that the product or service is required.
 - An explanation of the reasons for delay in initiating the acquisition if the date the requirement was identified was such that normal contracting and production lead times could have achieved delivery by the required date.



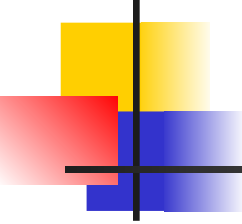
Unusual and Compelling Urgency (cont'd)

- The quantity of items appropriate for the urgent procurement with supporting rationale.
 - An urgent procurement should rarely, if ever, contain an option quantity.
- What is being done to fix the problem for the long term.



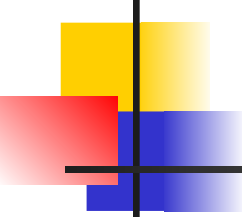
Unusual and Compelling Urgency (cont'd)

- The harm to the Government that would result if the required delivery dates are not met, including estimates of additional expenditures that would be required and detailed data to support the estimates.
- If the requiring office is specifying the sources(s) appropriate for this procurement, explain the expertise required from the contractor(s) to meet the urgent requirement.



Certifications and Signatures on J&As

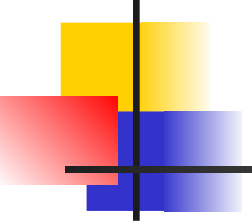
- All J&As must go through legal
- PCO should review J&A for sufficiency and certify before submitting to legal
- You can't certify "for" someone else
- Requiring Office Certs for LTCs must be on J&A document
- File Copy of the J&A (paper or electronic) should have all certification and approval signatures.



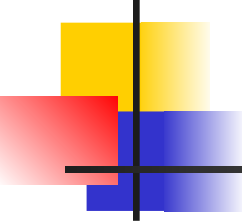
New Requirement at AFARS 5106.303-1(e)

- New AFARS published 10/3/01
- Requires additional approval prior to exercising an option previously included and approved in a J&A
- Re-justification package will include:
 - A copy of the original approved J&A
 - A written determination by the PCO that current market research has been used to justify the exercise of the option (would not apply to urgent procurements)
 - All of the requirements of FAR 17.2, applicable to the exercise of a sole source option. (Sta Form 4709)
- Re-justification must be submitted for approval to the same level that approved the original J&A

Operations Noble Eagle/Enduring Freedom (ONE/OFE) Urgent Procurements



- Class statement of Urgency signed by CBO on 10/5/01
- Class Statement of Urgency is used to support J&As for Urgent procurements for Spare and Repair parts under Operation ONE/OFE
- Template J&A is available for use for these procurements.



Resources

- TACOM Procurement Procedure, Chapter 6

https://aais3.ria.army.mil/acquisition/tpp/TPP_Table_of_Contents.htm

- WARREN Site Specific Guidance

http://erc.tacom.army.mil/erc/internal%20guidance/warrensitesite/janda_sop.htm

- Market Survey Web Page

<http://erc/erc/toolbox/marktrch.htm>

- ONE/OFE Urgent J&A Template

<http://erc/forms/oeftemplate.doc>